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| AT&T Legal Department<br>Attn: Patent Docketing<br>One AT&T Way<br>Room 2A-207<br>Bedminster, NJ 07921 |             |                      | EXAMINER<br>FLEISCHER, MARK A |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/729,252

**Applicant(s)**

THORNTON ET AL.

**Examiner**

MARK A. FLEISCHER

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

1. This final office action is in reply to the amendments filed on 18 September 2008.
2. Claims 8, 12–15 and 19–21 have been amended.
3. Claims 1–21 are currently pending and have been examined.

### ***Response to Amendments***

4. Applicant's have not offered any amendments to the claims or specification.

### ***Response to Arguments***

5. Applicant's arguments received on 18 September 2008 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.
6. Applicant argues that a *prima facie* case of obviousness has apparently not been established. Insofar as the rejections under 103(a) are concerned, Applicant mischaracterizes the legal standards necessary for a rejection under 103(a) (Remarks, P.6). Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of

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ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Furthermore, the Examiner recognizes that references cannot be arbitrarily altered or modified and that there must be some reason why one skilled in the art would be motivated to make the proposed modifications. Although the motivation or suggestion to make modifications must be articulated, it is respectfully submitted that there is no requirement that the motivation to make modifications must be expressly articulated within the references themselves. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures, *In re Bozek*, 163 USPQ 545 (CCPA 1969). The issue of obviousness is not determined by what the references expressly state but by what they would reasonably suggest to one of ordinary skill in the art, as supported by decisions in *In re Delisle* 406 Fed 1326, 160 USPQ 806; *In re Kell, Terry and Davies* 208 USPQ 871; and *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988) (citing *In re Lulu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)). Further, it was determined in *In re Lamberti et al* 192 USPQ 278 (CCPA) that:

- (i) obvious does not require absolute predictability;
- (ii) non-preferred embodiments of prior art must also be considered; and
- (iii) the question is not express teaching of references but what they would suggest.

According to *In re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. Within *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In *In re Conrad* 169 USPQ 170 (CCPA), obviousness is not based on express suggestions, but what references taken collectively would suggest.

In response, the Examiner respectfully submits that obviousness is determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges*, 783 F.2d

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1038, 1039, 228 USPQ 685,686 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785,788 (Fed. Cir. 1984); and *In re Rinehart*, 531 F.2d 1048, 1052, 189 USPQ 143,147 (CCPA 1976). Using this standard, the Examiner respectfully submits that the burden of presenting a *prima facie* case of obviousness has successfully been satisfied, since evidence of corresponding claim elements in the prior art has been presented, and since the Examiner has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention. Note, for example, the motivations explicitly stated in the paragraphs below.

In the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references is accompanied by select portions of the respective references which specifically support that particular motivation. As such, it is NOT seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, *Ex pane Levengood* 28 USPQ 2d 1300 (Bd. Pat. App. & Inter., 4/22/93).

Applicant argues that "The process of splitting a congested plat is not described or reference in the background section." (Remarks, p.8) and that the disclosed invention "performs functions not taught or suggested by cited art." (Remarks, p.8) and that "assignment of a general request to a worker is not analogous to an assignment of a request to split a plat to a draftsman..." (Remarks, p.8). As noted earlier, these differences (worker vs. a request to a draftsman) are tantamount to intended use of the system and methods disclosed in the cited prior art of record. Moreover, the question arises as to who the requestor is if not from a 'general worker'. Moreover, the cited prior art teaches functional equivalents known for the same purpose (see MPEP 2144.06 [R-6] II. "An express suggestion to substitute one equivalent component or process for another is not necessary to render such substitution obvious. *In re Fout*, 675 F.2d 297, 213 USPQ 532 (CCPA 1982).") To suggest otherwise would, in essence, be to ascribe

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patentable weight to the circumstances in which an invention is used as opposed to how an invention functions and/or performs.

Applicant also argues that "Al-Musallam fails to disclose an approach that receives a request from a user to split a plat; that assigns an open request to a draftsman; and that instructs a database to close an open request responsive to an input from the draftsman." (Remarks, p.12). Again, the art described in Al-Musallam describes the state-of-the-art with respect to use of databases, architectural drawings, requests to modify plats and so forth. The claimed invention ascribes patentability to non-functional descriptive material (the 'who' as opposed to the 'how') and the recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP §2106.

Applicant has failed to rebut Examiner's **Official Notices**. Examiner notes the following discussion of Official Notice taken from the MPEP:

To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2). If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the

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examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate. (MPEP § 2144.03(C))

Applicant has not "specifically point[ed] out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art."

Applicant argues that "the assignment of a general request to a worker is not analogous to an assignment of a request to split a plat to a draftsman" (see above).

With respect to claim 3 states "Applicants respectfully submit that the claimed subject matter describes the viewing of open requests to split a plat by a state in which the plat is located. The foregoing has not been demonstrated to be well-known and therefore, Applicants respectfully traverse the finding of Official Notice." Again, Applicant states circumstantial differences between the prior art and the claimed invention. Moreover, Al-Mussalam contemplates a number of views and how they are delineated and integrated with databases (see e.g., Al-Mussalam p.59, 62, 63, 64—see also p. 35.). Use of database filters is also a well-known and common place technique to bring up files based on specified criteria such as a state. Al-Mussalam also suggests a teaching regarding viewing drawings by location on p. 126:

- The industry should expect to see more ready-made building components from manufacturers dragged and dropped from their web sites into the drawing with links to the vendors and/or local contractors;
- The limitations of PhD research did not fully develop the potential of interdisciplinary coordination. Future development could consider integrating engineering building components with their related architectural components to resolve overall coordination issues;
- The ultimate objective of future research along with commercial software developers is to improve the delivery system for the overall building construction industry.
- This research and dissertation is convinced that commercially available systems very similar to the original concept of web-based access to information embedded within the intelligent drawings will soon be available because it is the next logical step of project coordination.

Applicant's statements that "The foregoing has not been demonstrated to be well-known..." do not amount to a sufficient traversal because they merely constitute a conclusory statement without a specific explanation of *why* the noticed fact is not considered to be common knowledge or well-known in the art. For example, Applicant has not shown that the claimed

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invention would provide a distinct and useful advantage over using the aforementioned systems and methods that would explain why the invention is not equivalent to the systems and methods of the prior art. Again, and more generally, the arguments suggest that the circumstances and intended use of how the prior art teachings or described inventions are used is what should be patentable. In any case, Applicant has not sufficiently traversed the **Official Notices** and for these reasons, are taken to be admitted prior art.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1–21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Al-Musallam (*A Web-Based Approach For Coordinating Architectural Drawings With Other Construction Documents*).

**Claims 1, 8 and 15:**

Al-Musallam describes and/or discloses a system and method for managing workflows and project related documents involving the management of architectural and construction project drawings and further describes and/or discloses the following limitations, as shown.

- *receiving logic operable* (On page 18: "At any time – by network or by modem - team members can send changes to the master project and receive changes that others have made [ ]" (emphasis added)) *to receive a request from a user* (On page 29 "requests for information, change orders..." ) ..., *the request including information about a location* (on page 57 "Several project teams can use ProjectCenter as the central repository for a wide variety of graphic media, including design drawings, site photographs, CAD files, even scans



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of hand-drawn sketches." and on page 14 specifically refers to indication of "location" among other related data.) ...

- *a database coupled to the receiving logic, operable to store the request with any previously received open requests* (On page 59: "ProjectPoint's significant features of construction communications include support for transmittals, RFIs, submittal tracking, along with change and revision management. ProjectPoint can also encompass tracking of a file or document after it has left ProjectPoint to go to someone else for approval or RFI. It will support RFI and RFI logs, change reports, and meeting reports." (emphasis added) where the emphasized texts corresponds to information stored in a database, hence *coupled..*);
- *assignment logic coupled to the database, operable to assign an open request to a draftsman and to instruct the database to record the assignment* (On page 80: "...and even assigning them..." On page 71: "begins processing the request..." On page 22: "drafters...use AutoCAD to create...manage...". On page 56: "strong underlying database, which can be powered by Structured Query Language (SQL) Sewer, Sybase, or Oracle. This database controls all the data, including reference files and redlined drawings [ ]" (emphasis added));  
*and*
- *completion logic coupled to the database, operable to instruct the database to close an open request responsive to an input from the draftsman* (On page 81: "to initiate the system..." hence corresponds to *open request*. On page 104: "Only the authorized persons (by the system administrator) can have the ability to access and modify the original documents. The system also highlights any modifications that had been done to a published document, and after been approved, sends notification to all concerned members. For example, the architectural drawing should be viewed as it had been approved by the architect along with any later changes; such as shop drawings that can be attached to the related components with a link from the original drawings. At the same time these drawings should also have a sign indicating that this component or this part of the drawing has received some modification." (emphasis added) where the emphasized texts indicates a database that stores

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information relating to drawings and their status, hence corresponds to *completion logic coupled*...Note that 'been approved, sends...', and '...have a sign indicating...' correspond to *close an open request responsive to*... Also, on p.111: "When the current function finishes, the Show and Hide functions are used to control the dialog box." hence is indicative of *completion logic coupled*... On page 22: "drafters...use AutoCAD to create...manage..." and corresponds to *input from the draftsman*...).

Al-Musallam teaches a workflow management system for managing a plurality of well known construction related information (see e.g., page 1) however it is noted that Al-Musallam is thus not limited to solely managing the workflow of telecommunication infrastructure, specifically the management and assignment of plat related revisions (e.g. splitting) as claimed. Examiner takes Official Notice that it is old and well-known as well as common place to utilize workflow systems/methods to manage the assignment of requests (e.g. drawing change request, tasks) to draftsman (staff, engineers, workers, etc.) and further the assignment of plat related edits, including but not limited to the splitting of congested plats, to draftsman is a well known business practice in the telecommunications industry. Moreover, that it is old and well known is evidenced by at least Applicant's own description of the related art as shown below.

- *to split a plat* (On page 2, line 22 states: "The RMC group is typically where the engineering work order is pre-posted. Pre-posting typically includes altering the existing drawing records," (emphasis added)) and *congested plat* (On page 2, line 14 states: "Moreover, these common carriers must maintain capacity and plan for this ever-increasing demand, and supply leased-line bandwidth to competitors. Thus, the telecommunications network is ever evolving to meet the needs and demands of consumers. Carriers have developed various procedures over the years to respond to their customers," (emphasis added) where the emphasized text and its context describe a 'congested' telecommunications infrastructure.)
- Finally, application of the workflow and document management systems to manage task assignments and related documents, as described above, for the specific purpose of facilitating

the splitting of plats is merely an intended use of systems and methods that are old and well-known, hence are not given patentable weight. See MPEP §2106. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the workflow and document management capabilities pertaining to construction projects and use of architectural drawings described in Al-Musallam for "improving the coordination and the quality of [ ] documents..." (Al-Musallam p.3) with the well-known and established needs in the telecommunications industry to effectively manage projects geared toward increasing communications capacity. The claimed invention is merely a combination of old and well-known elements, or application of old and well-known techniques to analogous problems for which the techniques had previously been applied and one of ordinary skill in the art would have recognized that the results of the combination and/or application were predictable.

**Claims 2, 9 and 16:**

Al-Musallam describes and/or discloses the following limitations, as shown.

- *observation logic coupled to the database, operable to enable any of a plurality of users to view open requests* (On page 4: "This technology makes the entire project accessible to all the interested parties because the work can be viewed by anyone who has access to the web browser." (emphasis added) and on page 62: "It is a document management system that allows companies to track, manage, control access and secure all project documents, regardless of location, thereby keeping internal and external communications more accurate." (emphasis added) where 'track' *ipso facto* indicates some sort of status information, hence *open requests*. On page 23: "drawing's elements to information databases...").

**Claims 3, 10 and 17:**

Al-Musallam does not specifically describe and/or disclose the following limitations, *the observation logic is further operable to view open requests by a state in which the plat is located...* but Examiner takes **Official Notice** that it is old and well-known as well as common place in the information storage and database management arts to employ the use of data filters, as evidenced in Al-Musallam page 108: "Two arrays to hold the filter information...", so that only

specified data or documents are retrieved from a database. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the workflow and document management and data storage capabilities pertaining to construction projects and geographic sites of Al-Musallam and the well-known and pre-existing needs of telecommunications companies for managing the increase of communications capacity with old and well-known as well as common place information storage and database management processing capabilities so that only desired or pertinent information is retrieved from a database. The claimed invention is merely a combination of old and well-known elements, or application of old and well-known techniques to analogous problems for which the techniques had previously been applied and one of ordinary skill in the art would have recognized that the results of the combination and/or application were predictable.

**Claims 4, 11 and 18:**

Al-Musallam describes and/or discloses the following limitations, *the observation logic is further operable to enable any of a plurality of users to view a plurality of requests* (On page 18: "Team members can ... view what other team members are doing.") *that have been assigned to a draftsman...* (On page 22: "Architects, engineers, drafters, and design related professionals use AutoCAD to create, view, manage, plot, share, and reuse accurate, information-rich drawings [ ]"). Al-Musallam does not specifically teach requests *that have been assigned to a draftsman*, but Examiner takes **Official Notice** that it is old and well-known as well as common place to utilize workflow systems/methods to manage the assignment of requests (e.g. drawing change request, tasks) to draftsman (staff, engineers, workers, etc.) and further, to employ database management processing capabilities so that only desired or pertinent information is retrieved from a database and the use of data filters so that only specified data or documents are retrieved from a database.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the workflow and document management and database management and storage capabilities pertaining to construction projects and sites of Al-Musallam and the well-known and pre-existing needs of telecommunications companies for managing the

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increase of communications capacity with old and well-known as well as common place information storage and processing capabilities so that only desired or pertinent information is retrieved from a database. The claimed invention is merely a combination of old and well-known elements, or application of old and well-known techniques to analogous problems for which the techniques had previously been applied and one of ordinary skill in the art would have recognized that the results of the combination and/or application were predictable.

**Claims 5, 12 and 19:**

Al-Musallam describes and/or discloses on page 61 that a "member can [...] [s]tore and manage all of the documents associated with a project.". Although Al-Musallam does not specifically describe and/or disclose the following limitations, *the location includes a wirecenter and a plat name...* Examiner takes **Official Notice** that it is old and well-known as well as common place that a *wirecenter* and a *plat name* are well-known attributes of plats, and thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the workflow and document management and data storage capabilities pertaining to construction projects and sites of Al-Musallam for the well-known and pre-existing needs of telecommunications companies for managing the increase of communications capacity and well-known and commonplace information storage and database management processing capabilities where only desired or pertinent information is retrieved from a database. The claimed invention is merely a combination of old and well-known elements, or application of old and well-known techniques to analogous problems for which the techniques had previously been applied and one of ordinary skill in the art would have recognized that the results of the combination and/or application were predictable.

**Claims 6, 13 and 20:**

Al-Musallam describes and/or discloses the following limitations as shown.

- *the database is further operable to store an assignment date and the draftsman assigned to the request* (On Page 56: "ProjectWise is notable for its strong underlying database, which can be powered by Structured Query Language (SQL) Sewer, Sybase, or Oracle. This

database controls all the data, including reference files and redlined drawings [...]” (emphasis added)).

Al-Musallam does not specifically describe and/or disclose *assignment date* or *the draftsman assigned...*, but Examiner takes **Official Notice** that it is old and well-known as well as common place in the information storage and workflow processing arts to store, in a database, information pertaining to task assignments, due dates, and dates on which assignments are made. See e.g., Business Process Management 2002). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the workflow and document management and data storage capabilities pertaining to construction projects and sites of Al-Musallam and the well-known and pre-existing needs of telecommunications companies for managing the increase of communications capacity with old and well-known as well as common place information storage and processing capabilities. The claimed invention is merely a combination of old and well-known elements, or application of old and well-known techniques to analogous problems for which the techniques had previously been applied and one of ordinary skill in the art would have recognized that the results of the combination and/or application were predictable.

**Claims 7, 14 and 21:**

Al-Musallam describes and/or discloses the following limitations as shown.

- *the receiving logic is further operable to receive a priority status associated with the request and instruct the database to store the priority status associated with the request* (On page 17: “ArchiCAD allows the project team leader to establish a priority and password system so that the whole project can be viewed, but only the authorized floors, defined areas, layers or authorized information can be changed.” (emphasis added)).

***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Mark A. Fleischer** whose telephone number is **571.270.3925**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Bradley Bayat** whose telephone number is **571.272.6704** may be contacted.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

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Mark A. Fleischer  
/Mark A Fleischer/

Examiner, Art Unit 3624

22 December 2008

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3624